IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

SUIT NO.1684 OF 1995

The Mahanagar Telephone Nigam Limited. Plaintiffs
vs.
Hyderabad Fruit Traders Defendants

Mr.Viral D. Shukla i/b.M/s.Shukla & Associates for the plaintiffs.

None for the defendants.

CORAM : ANOOP V. MOHTA,J.

DATED : 13th June, 2007

ORAL JUDGMENT ;.

This is a Suit for recovery of telephone bills dated 15.11.1990 to 15.7.1991 totalling an amount of Rs.57,281/- along with interest at the rate of 21% p.a. from the date of filing of the Suit till payment and/or realisation.

2. Suit is listed under the caption of undefended Suit.

3. The plaintiffs have filed affidavit dated 29.3.2007 in support of their claim. The plaintiffs have also filed the documents. The documents are marked as Exhibit P-1 Collectively. The Chief Accounts Officer of the plaintiffs being authorised has filed the affidavit in support of their pleadings. The contents and the

averments made therein remained uncontroverted. The documents filed are from the records available and maintained by the plaintiffs in their ordinary and regular course of business. The contents of those documents are also remained uncontroverted.

5. Inspite of service of the telephone bills and demand notice dated 12.11.1993 the defendant failed to clear the said arrears of telephone bills. The plaintiffs therefore have filed the present Suit on 22.11.1993. The Suit is within limitation.

6. The plaintiffs have claimed the rate of interest at 21% p.a. This rate of interest on a higher side. Considering the present rate of interest, the plaintiffs are entitled to the interest at the rate of 9% from the date of the filing of the suit.

7. In the result, the Suit is decreed against the defendant in a sum of Rs.57,281/- along with interest at the rate of 9% p.a. from the date of filing of the Suit till payment and/or realisation.

8. No costs.

[ANOOP V. MOHTA,J.]